

REMARKS

Applicants respectfully request reconsideration of this application.

Office Action Summary

Claims 73-75 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Applicants Admitted Prior Art ("AAPA") in view of U.S. Patent No. 5,317,756 of Komatsu et al. ("Komatsu").

Claims 65-72 have been allowed. Therefore, the following remarks are directed to the rejected claims.

Status of Claims

Claims 65-75 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

Claims 65-72 have been allowed. Therefore, the following remarks are directed to the rejected claims.

Claim Rejections

Claims 73-75 have been rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Komatsu. It is submitted that claim 73 is patentable over the cited reference. Claim 73 recites:

A method of deleting a policy statement from a plurality of policy statements stored in a first memory, comprising:

comparing a priority number associated with the policy statement to a plurality of priority numbers stored in a second memory, the plurality of priority numbers each associated with a respective one of the plurality of policy statements stored in the first memory;

determining that the priority number is equal to one of the plurality of priority numbers;

providing an indication of a location of the one of the plurality of priority numbers in the second memory to the first memory in order to access the policy statement; and
deleting the policy statement from the first memory.

(emphasis added)

The Office Action states:

Komatsu et al teaches using data priority (col 5 lines 41+) and comparing the Data until a match is made, whereinafter "the queuing region in the matching memory is emptied" (col 5 lines 55+).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have compared the priority number newly added to the CAM array of AAPA with those already in existence and looked for equality in the numbers and, when this is found, have subsequently deleted the policy statement from the CAM array already in existence, **in light of the teachings of Komatsu et al**, in order to provide a means for avoiding duplicate values in the CAM array without having to reprioritize the data.

(Office Action, 4/7/04, page 3)

Applicants respectfully disagree with the Office Action's assertions. Applicants respectfully submit that the rote invocation of the skill of one in the art (i.e., "in light of the teachings of Komatsu") is not a sufficient basis for providing such a modification of AAPA and that it would be impermissible hindsight, based on applicants' own disclosure, to make such a modification. In particular, the level of skill in the art cannot be relied upon to provide the suggestion to combine references. See MPEP 2143.01; *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308 (Fed. Cir. 1999).

Applicants respectfully submit that the Office Action has failed to point out any motivation for the asserted modification of AAPA other than the advantage provided by the applicants' own disclosure. Indeed, it appears that the teachings of the present application have been used as a blueprint in arriving at the rejection. Such is a clear example of hindsight reconstruction and cannot properly be used as grounds for rejecting the present claims. The Office Action must show a motivation within the references as to why one of skill in the art would be motivated to make such a purported modification of

AAPA that creates the case of obviousness. It is respectfully submitted that the reasoning provided by the Office Action does not explain a *specific understanding* or *principle* within the art as to the technical reasons why it is beneficial to make the purported combination. See MPEP 2143.01; *In re Kotzab*, 217 F.3d 1365 (Fed. Cir. 2000).

Moreover, it is respectfully submit that a combination of Komatsu with AAPA would not result in applicants' claim 73 limitations. In the prior art policy routers discussed in applicant's background section, policy statements in a policy statement table are preloaded in a predetermined order. When a policy is changed by adding a new policy statement that has a higher (or equal) priority than at least one of the policy statements already stored in a CAM array, table management hardware and software reorders all or part of the CAM array by reloading the CAM array with a new prioritized group of policy statements.

The Office Action appears to cite to Komatsu for support of an assertion that the claim 73 limitation of "deleting the policy statement from the first memory" reads on the emptying of a queuing region in a matching memory of Komatsu. Applicants do not agree with such a characterization. However, for argument sake, even if a purported teaching of a "deletion of a policy statement from first memory" of Komatsu were somehow combined with AAPA, *the result would merely be a deletion of one of the preordered policy statements in the policy statement table.*

Nothing in either Komatsu or AAPA, either alone or in combination, teaches or suggests comparing a priority number associated with the policy statement to a plurality of priority numbers stored in a second memory, the plurality of priority numbers each associated with a respective one of the plurality of policy statements stored in the first memory; determining that the priority number is equal to one of the plurality of priority numbers; providing an indication of a location of the one of the plurality of priority numbers in the second memory to the first memory in order to access the policy

statement, as recited in claim 73. Therefore, applicants submit that claim 73 is patentable over the cited reference.

Given that claims 74-75 depend from claim 73, it is submitted that claims 74-75 are also patentable over the cited reference.

In conclusion, applicants respectfully submit that in view of the arguments set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

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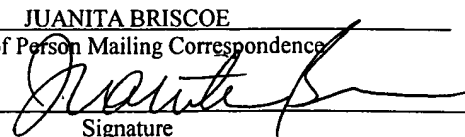

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